



Board Policy 4, Appendix A

TRUSTEE CODE OF CONDUCT

Trustee Code of Conduct - Sanctions

Trustees shall conduct themselves in an ethical and prudent manner in compliance with the *Public Interest Disclosure (Whistleblower Protection) Act* and the Trustee Code of Conduct, Policy 4. Failure to conduct themselves in compliance with this policy may result in the Board instituting sanctions. For this policy in its entirety, the Chair is designated as the representative of the Board. In the event the matter is with respect to the conduct of the Board Chair, the Vice-Chair shall be designated.

Procedures

1. Procedure when a serious wrongdoing is suspected
 - 1.1. A Trustee who suspects that a fellow Trustee may have committed a serious wrongdoing as defined in the *Public Interest Disclosure (Whistleblower Protection) Act* should discuss the matter with the Designated Officer for the Board, whose responsibility is to oversee complaints filed under the Whistleblower Act. The Designated Officer for the Board will assist the Trustee in determining whether a complaint should be filed under the Whistleblower Act or the procedures set out below.
2. Procedure for an allegation of breach of security - Freedom of Information and Protection of Privacy (FOIP)
 - 2.1. An individual Trustee may bring a suspected breach of security to the attention of the Board Chair. The suspected breach of security will go to an in-camera meeting of the Board. If the majority of the Board in-camera determines that a suspected breach may have occurred, a motion shall be immediately passed at Public Board meeting to invoke the following procedures. The failure shall be recorded by the Board. The Board Chair will be delegated to request that the Superintendent or designate (as Head of the Division under the Freedom of Information and Protection of Privacy Act), appoint an independent investigator to review this matter.
 - 2.2. The independent investigator shall conduct an investigation and submit a record of findings and recommendations to the Board Chair. Upon receipt of the report, the Board Chair shall share it confidentially with all Trustees. The independent investigation must include the evidence of the Trustee in question and all other Trustees that the investigator deems appropriate for the purposes of the investigation.
 - 2.3. The Board Chair shall schedule a meeting with the majority of Trustees in attendance and present the report of the independent investigator at an in-camera meeting of the Board. The Final Investigation Report will be distributed and returned at the meeting and all Trustees will acknowledge their receipt and return of the report by signature for documentation purposes with the Board's designated authority. The Board Chair will

ensure that all Trustees present have adequate time to read and review the report in the in-camera meeting.

- 2.4. At the completion of the in-camera review of the report, the respondent will be required to leave prior to the discussion on whether or not sanctions or types of sanctions should be applied. Additionally, they will remove themselves from any public motion and voting.
 - 2.5. If it is determined by a majority vote of the Board that a wilful violation of security has occurred, the Board will determine appropriate sanctions and the Board Chair will act on behalf of the Board in delivery of written sanction to the Trustee in violation as per Section 5.
 - 2.6. Upon request to the Board Chair, any current Trustee that was not able to participate in the in-camera review of the investigation report, will be provided with the report following the same sign-in/sign-out process defined in 2.3 and a summary of any relevant decisions and outcomes.
3. Procedures for making a complaint and process for addressing the complaint
- 3.1. A Trustee who believes that a fellow Trustee has violated the Trustee Code of Conduct may, but is not obliged to, seek to resolve the matter by informal discussion with that Trustee. The Board strongly encourages this approach, and will upon request provide reasonable assistance and resources to assist in such resolution.
 - 3.2. A Trustee who wishes to commence an official complaint under the Code of Conduct shall file a letter of complaint to the Board Chair within thirty (30) days of the alleged event occurring and indicate the nature of the complaint and the section or sections of the Code of Conduct that are alleged to have been violated by the Trustee. The Board Chair may accept a complaint which is filed later than thirty (30) days if there are extenuating circumstances or, if in the opinion of the Board Chair, the nature of the complaint is such that it should not be dismissed because of late filing. The Trustee who is alleged to have violated the Code of Conduct and all other Trustees shall be forwarded a copy of the letter of complaint by the Board Chair, within five (5) days of receipt.
 - 3.3. When a Trustee files a letter of complaint, and a copy of that letter of complaint is forwarded to all Trustees; the filing, notification, content and nature of the complaint shall be deemed to be strictly confidential, the public disclosure of which shall be deemed to be violation of the Code of Conduct. Public disclosure of the complaint and any resulting decision taken by the Board may be disclosed by the Board Chair only at the direction of the Board, following the disposition of the complaint by the Board at a Code of Conduct Hearing.
 - 3.4. To ensure that the complaint has merit to be considered and reviewed, at least one (1) other Trustee must provide the Board Chair within five (5) days of the notice in writing of the complaint being forwarded to all Trustees, a letter indicating support for having the complaint be heard at a Code of Conduct hearing. Any Trustee who forwards such a letter of support shall not be disqualified from attending at and deliberating upon, the

complaint at a Code of Conduct hearing convened to hear the matter, solely for having issued such a letter.

- 3.5. Where no letter supporting a hearing is received by the Board Chair in the five (5) day period referred to in section 3.49, the complaint shall not be heard. The Board Chair shall notify all other Trustees in writing that no further action of the Board shall occur.
- 3.6. Where a letter supporting a hearing is received by the Board Chair within the five (5) day period referred to in section 3.49, the Board Chair shall convene, as soon as is reasonable, a special meeting of the Board to allow the Trustee who has filed the complaint to present his/her views of the alleged violation of the Code of Conduct.

4. Procedure for hearing

- 4.1. At the commencement of the special meeting, the Board Chair shall indicate the nature of the business to be transacted and that the complaint shall be heard in an in-camera session of the special meeting.

4.1.1. The sequence of the Code of Conduct hearing shall be:

- 4.1.1.1. The Trustee who filed the complaint shall provide a presentation which may be written, oral, or both.
- 4.1.1.2. The respondent Trustee shall provide a presentation which may be written, oral, or both.
- 4.1.1.3. The complainant Trustee shall then be given an opportunity to reply to the respondent's presentation.
- 4.1.1.4. The respondent Trustee shall then be provided a further opportunity to respond to the complainant Trustee's presentation and remarks.
- 4.1.1.5. The remaining Trustees of the Board shall be given an opportunity to ask questions of both parties.
- 4.1.1.6. The complainant Trustee shall be given the opportunity to make final comments.
- 4.1.1.7. The respondent Trustee shall be given the opportunity to make final comments.

4.1.2. Following the presentation of the respective parties, the parties and all other persons who have previously declared a conflict of interest in the matter, shall be required to leave the room. The remaining Trustees shall deliberate in private, without any assistance from Administration. The Board may, however, in its discretion, call upon legal advisors to assist them on points of law or drafting of a possible resolution.

4.1.3. If the remaining Trustees in deliberation require further information or clarification, the parties shall be reconvened and the requests made in the

presence of both parties. If the information is not readily available, the Board Chair may request a recess, or if necessary, adjournments of the Code of Conduct hearing to a later date.

- 4.1.4. In the case of an adjournment, no discussion by Trustees whatsoever of the matters heard at the Code of Conduct hearing may take place until the meeting is reconvened.
- 4.1.5. The remaining Trustees in deliberation may draft a resolution indicating what action, if any, may be taken regarding the respondent Trustee.
- 4.1.6. The Board Chair shall reconvene the parties to the Code of Conduct hearing and request a motion to revert to public meeting in order to pass the resolution.
- 4.1.7. All documentation that is related to the Code of Conduct hearing shall be returned to the Superintendent or designate immediately upon conclusion of the Code of Conduct hearing and shall be retained in accordance with legal requirements.
- 4.1.8. The Board Chair shall declare the special Board meeting adjourned.

5. Possible Sanctions

- 5.1. A violation of the Code of Conduct may result in the Board instituting, without limiting what follows, any or all of the following sanctions:
 - 5.1.1. Having the Board Chair write a letter of censure marked “personal and confidential” to the offending Trustee, on the approval of a majority of those Trustees present and allowed to vote at the special meeting of the Board.
 - 5.1.2. Having a motion of censure passed by a majority of those Trustees present and allowed to vote at the special meeting of the Board.
 - 5.1.3. Having a motion to remove the offending Trustee from one (1), some, or all Board committees or other appointments of the Board passed by a majority of those Trustees present and allowed to vote at the special meeting of the Board.
 - 5.1.4. Having a motion to declare the offending Trustee to be disqualified from remaining as a Trustee and the seat on the Board to be declared vacant, passed by a majority of those Trustees present and allowed to vote at the special meeting of the Board, as per Sec 87(1) c of the Education Act.
 - 5.1.5. The Board may, in its discretion, make public its findings at the Special meeting, or at a regular meeting of the Board, where the Board has not upheld the complaint alleging a violation of this Code of Conduct or, where there has been a withdrawal of the complaint or, under any other circumstance that the Board deems reasonable and appropriate to indicate publicly its disposition of the complaint.

- 5.1.6. Where a person is declared under section 91(a) to be disqualified from remaining as a Trustee, that person may apply to the Court of Queen's Bench for an order declaring the person to be qualified to remain as a Trustee as per Section 92(1) of the Education Act.